

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

Date: 20 November 2002



PATENT
BOX

TECH CENTER
1600/2900

NOV 29 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent Application of Sean A. McCarthy <i>et al.</i>	: Group Art Unit: : 1646
Conf. No.:	3785	:
Appln. No.:	09/333,159	: Examiner: : Dong Jiang
Filed:	June 14, 1999	:
For:	NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE THERAPEUTIC, AND OTHER USES	: Attorney Docket : No. 10147-6 : (MBIO99-030)

AFTER FINAL REQUEST FOR CONTINUED EXAMINATION (RCE)
UNDER 37 C.F.R. 1.114

This is a request under 37 CFR 1.114 for continued examination (RCE) of the above identified application in response to the Office Action mailed 20 August 2002 (Paper No. 9). Enclosed are the following in support of the RCE under 37 C.F.R. 1.114:

- ☐ Enter the unentered Amendment previously filed on &@ under 37 CFR 1.116 in the above application.
- ☒ An Amendment and Request for Reconsideration.
- ☒ A Petition for Extension of Time to 20 November 2002 for the pending application.

The following fees are enclosed:

- ☒ RCE fee of \$740.00 required under 37 C.F.R. 1.17(e).
- ☒ Extension of time fee in the amount of \$520.00 (\$920 large entity fee for a three-month extension, less \$400 large entity fee for a two-month extension, which was charged to deposit account on 19 November 2002)
- ☐ Additional claim fees of \$ 0 for excess claims submitted in the enclosed Amendment, calculated as follows (in view of deposit account charges made on 19 November 2002 with respect to additional claim fees in Amendment After Final Rejection that was not entered by the Examiner):

					SMALL ENTITY		LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	51	(-)	51	0	x9		x18	
INDEP.	3	(-)	3	0	x42		x84	
[] 1st PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+\$140		+\$280	
					TOTAL		TOTAL	0

- [X] Firm check(s) totalling \$1,260.00 is enclosed herewith.
- [X] The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-1017 (Billing No. 210147.0006) as noted below. A duplicate copy of this sheet is enclosed.
- [X] Any overpayments or deficiencies in the above-calculated fee(s).
- [] RCE fee in the amount of \$____.00.
- [] Extension fee in the amount of \$____.00
- [] Additional claim fee(s) in the amount of \$____.00 as calculated above
- [X] Any additional fees required under 37 C.F.R. §§ 1.16 or 1.17.
- [X] In the event that a Petition for Extension of Time is required, but not enclosed, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

CORRESPONDENCE ADDRESS

20 November 2002
(Date)

By:

Gary D. Colby, Ph.D., J.D.

Registration No. 40,961

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7086

Telephone: 215-965-1200

Direct Dial: 215-965-1285

Facsimile: 215-965-1210

E-Mail: gcolby@akingump.com

Enclosures



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

By: [Signature]

Date: 20 November 2002

PATENT
BOX RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Patent Application of Sean A. McCarthy <i>et al.</i>	: Group Art Unit: 1646
Conf. No.:	3785	:
Appln. No.:	09/333,159	: Examiner: Dong Jiang
Filed:	June 14, 1999	:
For:	NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC, PREVENTIVE THERAPEUTIC, AND OTHER USES	: Attorney Docket No. 10147-6 (MBIO99-030)

TECH CENTER 1600/2900

NOV 29 2002

RECEIVED

**AMENDMENT
AND
REQUEST FOR RECONSIDERATION**

This Amendment accompanies a Request for Continued Examination and also responds to the Office Action mailed 20 May 2002 (Paper No. 9). This Amendment is timely filed in view of the accompanying Petition for a Three-Month Extension of Time, which extends the period available for responding to the Office Action through and including 20 November 2002. The fee that accompanies the Petition represents the difference between the three-month extension fee and the fee already paid in connection with the Petition for a Two-Month Extension of Time that was filed by fax on 21 October 2002. In the event that any additional fee is due, or any overpayment must be credited, please charge the additional fee or credit the overpayment to deposit account number 50-1017 (Billing No. 210147.0006).

The Applicants appreciate the Examiner's participation in the telephone interview conducted on **15 October 2002** among the Examiner, Primary Examiner Spector, the Applicants' attorney Paul Paglierani, and the Applicants' undersigned representative. The Applicants also appreciate the additional comments provided by the Examiner to the Applicants' representative during the short telephone calls on 19 and 20 November 2002.

The Applicants believe that agreement was reached during the 15 October 2002 interview regarding subject matter that would be considered allowable at that time and also